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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 DARREN GILBERT,

12 Plaintiff,

13 v.

14 DOCTOR'S CHOICE MODESTO LLC, et  
15 al.,

16 Defendants.

17 Case No. 1:21-cv-00690-JLT-SAB

ORDER DIRECTING THE CLERK OF THE  
COURT TO TERMINATE NINDI2039 LLC, AND  
NINDISEVENTEEN LTD. LIABILITY CO. AS  
DEFENDANTS IN THIS ACTION

(ECF No. 129)

18 On August 1, 2023, Plaintiff filed a notice of dismissal of Defendants Nindi2039 LLC,  
19 and Nindiseventeen LTD. Liability Co., without prejudice and without an award of fees or costs.  
20 (ECF No. 129.)

21 Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of  
22 the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d  
23 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The  
24 plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through  
25 a Rule 41(a)(1) notice.”); Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 687  
26 (9th Cir. 2005) (The Ninth Circuit has “only extended the rule to allow the dismissal of all claims  
27 against one defendant, so that a defendant may be dismissed from the entire action.”).

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Accordingly, the Clerk of the Court is DIRECTED to terminate Defendants Nindi2039 LLC, and Nindiseventeen LTD. Liability Co., from this action without prejudice.

IT IS SO ORDERED.

Dated: August 1, 2023

  
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UNITED STATES MAGISTRATE JUDGE